



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 11, 1995

Ms. Kelli H. Karczewski
Schwartz & Eichelbaum
406 East 11th Street
Austin, Texas 78701-2617

OR95-1385

Dear Ms. Karczewski:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30719.

The Huffman Independent School District has received a request for information about every student falling within certain categories in the school district. The request does not seek any identified documents, but rather asks for such specific information as each student's scores on a number of academic assessments, the student's ethnicity, the grade level in which the student first enrolled in the school district, and whether the student participated in the free or reduced-cost lunch program, the bilingual program, and the challenged or gifted program.

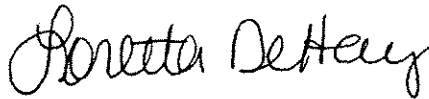
Although the request seeks the information associated with "each student," it does not seek the identity of such students. While, undoubtedly, the school district has each piece of requested information about every student in the district, you have informed this office that the district has not compiled the particular pieces of information in a manner that would make the information easily accessible.

You claim that the Open Records Act does not require governmental bodies to "answer interrogatories or to assemble information and create new records solely for the purpose of complying with a request for information." We note that the requests at issue were received by the school district before the effective date of recent amendments to the Open Records Act. *See* Act of May 29, 1995, 74th Leg., R.S., ch. 1035, 1995 Tex. Sess. Law Serv. 5127 (Vernon). Therefore, we apply the laws that existed at the time the requests were made in reaching our determination regarding this information. *Id.* § 26. Generally, at the time the request was made, the Open Records Act did not require

governmental bodies to create documents that did not exist or to compile information. Attorney General Opinion JM-672 (1987) at 3; Open Records Decision Nos. 605 (1992) at 2, 458 (1987) at 2. We agree that the Open Records Act does not require the school district to respond to the requests at issue. *But see* Act of May 29, 1995, 74th Leg., R.S., ch. 1035, § 15, 1995 Tex. Sess. Law Serv. 5127, 5135.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/ch

Ref.: ID# 30719

cc: Mr. Roy D. Malonson
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(w/o enclosures)